

**EDUCATION DEPARTMENT[281]**

**Adopted and Filed**

**Rule making related to operational function sharing supplementary weighting**

The State Board of Education hereby amends Chapter 97, “Supplementary Weighting,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 256.7.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2022 Iowa Acts, House File 2080, and 2022 Iowa Acts, House File 2589.

*Purpose and Summary*

The 2022 General Assembly added two additional shared operational functions: “school resource officer” and “college and career transition counselor or coordinator.” The General Assembly also raised the amount of weighting generated for sharing a superintendent and added flexibility for sharing with political subdivisions and other school corporations. This rule making implements those changes and also adds a definition of “work-based learning coordinator,” which was omitted from a prior rule making.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 5, 2022, as **ARC 6585C**. No public comments were received.

Two changes from the Notice have been made. The definitions of “college and career transition counselor or coordinator” and “work-based learning coordinator” are identical to the statutory language. This rule making has been amended to include cross-references to the Iowa Code rather than repeat the statutory language. No substantive change is intended.

*Adoption of Rule Making*

This rule making was adopted by the State Board on November 16, 2022.

*Fiscal Impact*

This rule making has a fiscal impact to the State of Iowa.

From the Notes on Bills and Amendments for 2022 Iowa Acts, House File 2589:

Based on FY 2023 data, a total of 296 school districts are currently under the maximum amount of additional weighting for a school district of 21 additional pupils per year. School districts have a capacity to add total weighting of 554 for a college and career transition counselor or coordinator. Information is not available to determine the number of school districts that will receive the additional maximum weighting of two for a college and career transition counselor or coordinator as provided in this Act. Each school district that receives the additional weighting for a college and career transition counselor or coordinator will result in additional weighting costing an estimated \$14,826. The weighting would be funded with \$13,456 from the State General Fund and \$1,370 from local property tax beginning with FY 2024 and ending with FY 2025.

From the final Fiscal Note for 2022 Iowa Acts, House File 2080:

House File 2080 is estimated to increase the operational function sharing supplementary weighting for superintendent management by a total of 91 pupils for 91 school districts at a total annual cost of \$660,000 beginning with FY 2024 and ending with FY 2025. The estimated increase will be funded with approximately \$595,000 from the State General Fund and \$65,000 from local property tax.

Information is not available to determine the number of school districts that will receive the additional maximum weightings of two for a special education director and two for a school resource officer provided in this Bill. Information is also not available on the number of school districts that are funding a shared special education director function or school resource officer function with currently available resources and not receiving any additional weighting. However, each school district that receives the additional weighting for a shared special education director or school resource officer will result in additional weighting costing an estimated \$14,826. The weighting would be funded with \$13,456 from the State General Fund and \$1,370 from local property tax beginning with FY 2024 and ending with FY 2025.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

#### *Effective Date*

This rule making will become effective on January 18, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 97.7(2), introductory paragraph, as follows:

**97.7(2) Operational function area eligibility.** “Operational function sharing” means sharing of managerial personnel in the discrete operational function areas of superintendent management, business management, human resources management, student transportation management, facility operation or maintenance management, curriculum director, master social worker, independent social worker, school counselor, special education director, work-based learning coordinator, or mental health professional if the mental health professional holds a statement of recognition issued by the board of educational examiners, school resource officer, or college and career transition counselor or coordinator. “Operational function sharing” does not mean sharing of clerical personnel or school principals. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement in order to be eligible for supplementary weighting.

ITEM 2. Amend paragraph **97.7(2)“j”** as follows:

*j. Work-based learning coordinator.*

(1) and (2) No change.

(3) “Work-based learning coordinator” means the same as defined in Iowa Code section 257.11(5)“a”(2).

(3) (4) Shared work-based learning coordinator services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

ITEM 3. Adopt the following new paragraphs **97.7(2)“l”** and **“m”**:

*l. School resource officer.*

(1) Shared personnel must perform the function of a school resource officer. An individual performing the function of a school resource officer must meet the definition in subparagraph 97.7(2)“l”(3).

(2) Deans of students, school business managers, school administration managers, school counselors, clerical personnel, paraprofessionals, private security guards, or custodians shall not be considered shared school resource officers for supplementary weighting under this subrule.

(3) “School resource officer” means the same as defined in 34 U.S.C. Section 10389.

(4) Shared school resource officer services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

*m. College and career transition counselor or coordinator.*

(1) Shared personnel must perform the services of a college and career transition counselor or coordinator as defined in subparagraph 97.7(2)“m”(3).

(2) Superintendents, principals, curriculum directors, deans of students, school counselors, work-based learning coordinators, or other support services personnel in the guidance services function area shall not be considered a shared college and career transition counselor or coordinator under this subrule.

(3) “College and career transition counselor or coordinator” means the same as defined in Iowa Code section 257.11(5)“a”(2).

(4) Shared college and career transition counselor or coordinator services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

ITEM 4. Amend paragraphs **97.7(10)“a”** and **“c”** as follows:

*a.* A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of ~~eight~~ nine pupils for the function.

*c.* A school district that shares the operational functions of a curriculum director, master social worker, independent social worker, school counselor, work-based learning coordinator, special education director, ~~or~~ mental health professional, school resource officer, or college and career transition counselor or coordinator shall be assigned a supplementary weighting of three pupils for the function. For the school budget years beginning July 1, 2022; July 1, 2023; and July 1, 2024, the weighting shall be two pupils.

ITEM 5. Amend subrule 97.7(11) as follows:

**97.7(11) Sharing arrangement duties.** A school district may receive the additional weighting for the sharing of services of an individual with a political subdivision ~~that is not a school corporation or another school district~~ even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision or school district are not the same operational function, so long as either both operational functions are eligible for weighting or the operational function the individual performs for the school district is special education director. In ~~such~~ either case, the school district shall be assigned the additional weighting for the type of

operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/14/22.